IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 15TH JUNE 2007 / 25TH JYAISHTA 1929

WP(C).No. 29641 of 2004(D)

PETITIONERS:

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1. **E.V.ANTONY, AGED 64 YEARS, S/O.T.V. E.V. VARKEY, EDAKKATUKUDIYIL HOUSE, PIDAVOOR, PALLARIMANGALAM P.O. VARAPETTY VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.**

2. **E.V.VARGHESE, AGED 61 YEARS, S/O.E.V.VARKEY, RESIDING AT EDAKKATTUKUDIYIL HOUSE, PIDAVOOR, PALLARIMANGALAM P.O. VARAPPETTY VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.**

3. **MARY MANI, W/O.LATE E.V.MANI, RESIDING AT EDAKATTUKUDIYIL HOUSE, PIDAVOOR, PALLARIMANGALAM P.O. VARAPPETTY VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.**

4. **LILLIKUTTY THOMAS, AGED 59 YEARS, D/O.E.V.VARKEY, RESIDING AT EDAKKATTUKUDIYIL HOUSE, PIDAVOOR, PALLARIMANGALAM P.O., VARAPETTY VILLAGE, KOTHAMANGALAM TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.NOBLE MATHEW.

RESPONDENTS:

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1. **THE TALUK LAND BOARD, HOSDURGE TALUK, KASARAGOD DISTRICT.**

W.P.(C). NO.29641/2004:

2. THE STATE LAND BOARD,
THIRUVANANTHAPURAM.

3. THE TAHSILDAR, HOSDURG TALUK,
KASARAGOD DISTRICT.

4. THE STATE OF KERALA, REPRESENTED
BY THE SECRETARY, REVENUE DEPARTMENT,
THIRUVANANTHAPURAM.

5. ROSALIND THOMAS, W/O.LATE K.J.THOMAS,
KOCHUPURACKAL HOUSE, KAVALAM, ALAPPUZHA.

BY ADV. SRI.N.N.SUGUNAPALAN,
GOVT. PLEADER SMT. K.R. DEEPA.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 15/06/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.29641/2004:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE ORDER OF THE R.1. DTD. 27/03/1982.

EXT.P.2: COPY OF THE PROCEEDINGS OF THE TALUK LAND BOARD, HOSDURG, DTD. 0/11/2003.

EXT.P.3: COPY OF THE PROCEEDINGS OF THE R.1. DTD. 22/09/2004.

RESPONDENT'S EXHIBITS: NIL.

//TRUE COPY//

prv.

KURIAN JOSEPH, J.

W.P. (C). NO. 29641 OF 2004

Dated this the 15th day of June, 2007.

J U D G M E N T

This writ petition is filed with the following prayers.

> i) issue a writ in the nature of mandamus or any other appropriate writ, order or direction commanding the 3rd respondent to take possession of balance extent of land from Re-survey No. 304/1.
>
> ii) issue a writ in the nature of prohibition or any other appropriate writ, order or direction directing or commanding the 3rd respondent not to take possession of more extent of lands that is stated in the Ext. P1 from Re-survey No. 225/1A.

2. Since the petitioners have sought for a writ of mandamus, it is for them to first approach the authority itself. In the event of the petitioners approaching the 3rd respondent within a period of two months from today, the matter will be duly considered by the 3rd respondent and appropriate orders in accordance with law with notice to the petitioner and 5th respondent will be passed within another four months.

This writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

smp